

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. DANIEL FRANCIS HENDRIE

FILED

CIVIL ACTION

v.

SEP 4 2014

UNCLE GOV. TOM CORBETT

MICHAEL E. KONEZ, Clerk
By: [Signature] U.S. Clerk

NO. 14-5025

MEMORANDUM

DAVIS, J.

SEPTEMBER , 2014

Plaintiff Daniel Francis Hendrie filed this action against Governor Corbett and others. He also filed a motion to proceed *in forma pauperis*, which the Court will grant. For the following reasons, the Court will dismiss plaintiff's complaint.

Federal Rule of Civil Procedure 8(a) requires a complaint to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." A district court may *sua sponte* dismiss a complaint that does not comply with Rule 8 if "the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised." *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995) (quotations omitted). Furthermore, as plaintiff is proceeding *in forma pauperis*, the Court must dismiss his complaint if it is frivolous or fails to state a claim. See 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). A complaint is frivolous if it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). It is legally baseless if "based on an indisputably meritless legal theory," *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995), and factually baseless "when the facts alleged rise to the level of the irrational or the wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). To survive dismissal for failure to state a claim, the complaint must contain "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v.*

Iqbal, 556 U.S. 662, 678 (2009) (quotations omitted). Conclusory statements and naked assertions will not suffice. *Id.*

Plaintiff's complaint is comprised of phrases and arrows pointing to other phrases without any apparent logic. It references people, places, and time periods in a disjointed, nonsensical manner. Having reviewed the complaint, the Court cannot ascertain any factual basis for a non-frivolous claim. Accordingly, the Court will dismiss the complaint pursuant to Rule 8 and 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). Plaintiff will not be given leave to amend because the Court concludes that amendment would be futile, especially in light of prior complaints he has filed in the federal courts. *See, e.g., Hendrie v. Beister*, Civ. A. No. 13-680 (E.D. Pa.); *Hendrie v. Pennsylvania State*, Civ. A. No. 06-1496 (E.D. Cal.); *Hendrie v. Rendell*, Civ. A. No. 06-395 (S.D. Ohio); *Hendrie v. Present*, Civ. A. No. 06-94 (E.D. Ark.). An appropriate order follows, which shall be docketed separately.